

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10496 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

RAMNIKLAL H PANDYA

Versus

BHUJ DISTRICT PANCHAYAT

Appearance:

MR MB PARIKH for Petitioner

MR.MUNSHAW for Respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 29/01/97

ORAL JUDGEMENT

Rule.

Mr.Munshaw waives service of the Rule for the respondents.

The petitioner had applied for the job of Primary Teacher in response to the advertisement which had been issued by respondent No.3 in the daily issue of 'Gujarat

Samachar' published on 10.11.1994. Originally the petitioner had obtained 744 marks at the PTC Examination i.e. 74.40%. At the time of making the application the petitioner had not received the result of revaluation of his marks at the PTC Examination. Subsequently the result of revaluation was made known and as a result of this revaluation the petitioner's marks were increased from 744 to 782 i.e. from 74.40% to 78.20%. The petitioner therefore applied that his candidature for Primary Teacher's post may be considered at the percentage of 78.20%.

It is submitted by Mr.Munshaw that by this time the selections have been held and there is no dispute that the posts are available. I find that petitioner wants the benefit of the result of the revaluation which was not available at the time when he applied because it was beyond his control and comprehension to furnish the result of revaluation and when he came to know of this result he approached the respondents. In this view of the matter the petitioner's grievance is found to be just and it will be appropriate if he is considered at the percentage of 78.20%, more particularly when it is not in dispute that had the petitioner's percentage been considered as 78.20% in the PTC Examination, his name may have been included in the select list.

In the facts and circumstances of this case, it is directed that subject to the production of original marksheet of the PTC Examination and other examination within a period of ten days, the respondents shall consider the petitioner's candidature for the job of Primary Teacher giving him the benefit of the result of revaluation at the PTC Examination and on that basis if the petitioner is found to be suitable, his name shall be inserted at the appropriate place in the merit list and appropriate orders shall be issued accordingly at the earliest possible opportunity but in no case later than 15.2.1997, and the petitioner shall not be made to suffer any prejudice merely because his name is being included in the select list now.

This Special Civil Application is accordingly allowed and the Rule is made absolute. No order as to costs.
